



**CITY OF LODI  
COUNCIL COMMUNICATION**

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**AGENDA TITLE:** Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation (\$209,994.80) and State Oversight Costs (\$7,530.56)

**MEETING DATE:** January 5, 2005 City Council Meeting

**PREPARED BY:** Steve Schwabauer, City Attorney

**RECOMMENDED ACTION:** That the City Council approve for payment expenses incurred by outside counsel, Folger, Levin & Kahn (\$209,597.30), Consultant Malcolm Pirnie (\$397.50), relative to the Environmental Abatement Program litigation, and State Regional Water Quality Control Board for oversight costs (\$7,530.56).

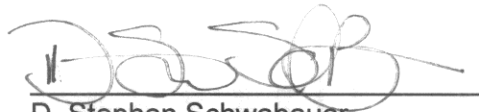
**BACKGROUND INFORMATION:** Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn, that were incurred relative to the Environmental Abatement Program litigation that are currently outstanding and need to be considered for payment:

**October 1– October 31, 2004**

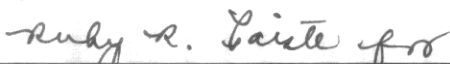
Matter Invoice		Description	Amount
No.	No.		
2001	84985	Lehman Bros. v. City of Lodi	\$ 18,335.85
8002	84986	People v. M&P Investments	\$180,214.64
2002	85561	City of Lodi v. Lehman Bros.	\$ 3,356.89
8001	85562	General Advice/Environmental Contamination Matters	\$ 849.89
8003	85563	Hartford Insurance Coverage Litigation	\$ 463.50
8006	85564	Fireman's Fund/Unigard Appeal	\$ 325.00
8007	85565	Regulatory Agency Orders	\$ 5,975.00
8005	85567	Unigard Insurance and City of Lodi Litigation (Rebilling)	\$ 77.00
			<b>\$209,597.30</b>

In addition to these expenses, the State Regional Water Quality Control Board has begun billing the City for its oversight costs. The first invoice covers the period July through September 2004 totaling **\$7,530.56**. Also requested for approval is the invoice from Malcolm Pirnie, the Consulting firm that serves as the Court's expert in City of Lodi v. M&P Investment's case, in the amount of **\$397.50** representing the City's share.

**FUNDING:** Water 50%  
Wastewater 50%

  
D. Stephen Schwabauer  
City Attorney

Approved:

  
Jim Krueger, Finance Director

APPROVED:

  
Janet Keeter, Interim City Manager